IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.38315 of 2007
RANVIJAY KUMAR SINGH @ VIJAY SINGH & ORS
Versus
STATE OF BIHAR
---

3 10.12.2008 Heard Mr. Raghav Prasad, learned counsel for the petitioners and also Sri Jharkhandi Upadhaya, the learned A.P.P. for the State.

The petitioners are aggrieved by order dated 23.5.2007 passed in Sessions Trial No. 132 of 2006 by the learned Sessions Judge, Siwan, whereby he has rejected the application under section 227 Cr.P.C.

It has been submitted by the learned counsel for the petitioners that from the recital in the fardbeyan no offence under section 307 I.P.C. can be said to have been made out against these petitioners.

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Injury report is not on record but it is apparent from the impugned order of the Sessions Judge that the injuries were caused on vital part of the body following repetitions of blows.

Since the injuries have been caused on vital part of the body by repetition it cannot be said that no offence under section 307 I.P.C. is made out. Moreover whether an offence is made out or not will be judged at the time of delivery of judgment since at this stage the Court is not required to see whether the charge framed will be proved or otherwise. It is only required to see whether there were sufficient materials to proceed against the petitioners.

The learned Sessions Judge has expressed his reasons

therefore and I do not find any reason to interfere with them.

Accordingly I find no merit in this application which is dismissed.

(Abhijit Sinha, J.)

spd/-

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